## Re: Wallace Yard - redline of EPA draft of tolling agreement



Clifford Villa to: Gail Wurtzler

08/29/2008 03:09 PM

It's after 6 pm EDT, and no response from DOJ. I suspect we'll work this out on Tuesday morning. Have a good weekend. Cliff Villa

**Assistant Regional Counsel** U.S. EPA Region 10

----\Sent by EPA Wireless E-Mail Services

**From:** "Wurtzler, Gail" [Gail.Wurtzler@dgslaw.com]

Sent: 08/29/2008 12:04 PM CST

To: Clifford Villa

Cc: "Lawrence, Robert" < Robert. Lawrence@dgslaw.com>

Subject: RE: Wallace Yard - redline of EPA draft of tolling agreement

Cliff: Thanks for the update. I will be in the office until about 6 p.m. (MDT) but can stay later if needed. Do you anticipate hearing from DOJ today? Thanks.

Gail Wurtzler Davis Graham & Stubbs LLP 1550 Seventeenth Street Suite 500 Denver, CO 80202 (303) 892-7405 gail.wurtzler@dgslaw.com

From: Villa.Clifford@epamail.epa.gov [mailto:Villa.Clifford@epamail.epa.gov]

Sent: Friday, August 29, 2008 12:02 PM

To: Wurtzler, Gail

Subject: Re: Wallace Yard - redline of EPA draft of tolling agreement

Gail: I received and reviewed the proposed changes, and have forwarded them on to DOJ for response. I will let you know as soon as I hear anything definitive, hopefully before the end of the day.

Cliff Villa Assistant Regional Counsel U.S. EPA Region 10 ----\Sent by EPA Wireless E-Mail Services

From: "Wurtzler, Gail" [Gail.Wurtzler@dgslaw.com]

Sent: 08/29/2008 10:31 AM CST

To: Clifford Villa

Cc: "Lawrence, Robert" < Robert. Lawrence @dgslaw.com>

Subject: Wallace Yard - redline of EPA draft of tolling agreement

Cliff,

Per my earlier e-mail and my voicemail, here's a redline of the most recent draft tolling agreement with changes from Union Pacific's in-house counsel. The change in the first paragraph on page 1 is to make clear that UPRR does not admit anything regarding substances present. The change to Paragraph 1 reorders the sentence to avoid the suggestion, from the use of "inter alia" and the placement of the site name after that phrase, that other sites could be covered by the tolling agreement. The change in paragraph 5 picks up any other protections from liability that UPRR may have under any other of the documents regarding this site.

I have authority to sign this version of the tolling agreement, so please let me know today whether this is acceptable. Thanks.

Gail Wurtzler
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